



November 23, 2012

National Remedy Review Board
Lower Passaic River Superfund Site
Focused Feasibility Study

To Whom It May Concern:

Please accept this letter on behalf of the lower Passaic River Community Advisory Group (CAG). Since organizing three years ago, we meet on a regular monthly basis in Newark. We represent the Passaic River and the surrounding communities. We speak for the River.

Appended to this letter are personal statements from many members of the CAG, representing both their relationship to the River and their vision for the River. Also attached is the CAG's "Community Values in the Cleanup and Restoration of the Passaic River." The values were developed by the CAG to represent the consensus ideals of the Passaic River community. These values are intended to guide federal agencies and other stakeholders in making sustainable decisions and taking responsible action regarding all aspects of the cleanup, restoration, and stewardship of the Passaic River.

The contamination has impacted our communities, our natural world and our use and enjoyment of the River for decades.

The CAG has developed the following general guiding principles toward cleanup of the lower 8 miles:

- Immediate action on the cleanup.
- Comprehensive cleanup that allows for both in-water and shoreline restoration, including mud flats, wetlands, waterfront parks, boat ramps and docks.
- Restoration to occur immediately following and/or integrated into the cleanup of the lower 8 miles, not years down the road. Towards this, there is a need to integrate other agency responsibilities and planning for restoration into this process, as interagency agreements take a long time.
- Hot spot identification and removal outside of the 8-mile study area should occur expeditiously and simultaneously with the 8-mile cleanup. These removal actions should in no way be a substitute for a comprehensive cleanup of the full 17 miles of River and Newark Bay.

There are gaps in our knowledge and the CAG still has questions as this decision-making process moves forward. The CAG has recently begun working with independent technical expertise to (i) frame where science exists and where it does not and (ii) determine what we need to know to make these decisions. This will determine what the CAG's questions will be on the proposed Record of Decision and should inform EPA's approach to making decisions. At this point, the CAG still seeks clarification on the numerous issues, however, this does not diminish our support for a full and comprehensive cleanup of the River – a cleanup that is based in science and protective of human health and the environment.

At this point in our review, the CAG has the following outstanding questions:

- We need clarification on whether Phase 2 of the 200,000 cubic yard removal project (completed under a MOU) will be combined with the 8-mile removal plan.
- We need a full understanding of the potential effectiveness of still viable treatment technologies and the degree to which they provide sufficient cost/benefit and overall control of any additional impacts on human health, the environment and environmental justice communities.
- We need fiscal data on the estimated costs of the various treatment proposals and information on any financial gain that may come to the treatment facility operator from marketing beneficial use of processed dredged material.
- We still have a continued concern over water quality issues in the River and the need to address combined sewers outside of the scope of this Superfund cleanup. The two issues, while equally important, should not be conflated.

Your role is an important one and you will hear from many voices as to what is best for the River. But we ask that you place the voice of the community at the highest level - we live, work and play here and we speak for the River.

Sincerely,

CAG Co-Chairs

Ana Baptista and Carol Johnston
Ironbound Community Corporation

Debbie Mans
NY/NJ Baykeeper

Personal Statements from CAG Members

Harvey Morginstin

Whenever I find myself pondering and writing about thoughts of my love for recreational boating, I can't help but find such contemplation and musings tarnished by the harsh realities that exist here in my local corner of the vast boating universe. That of the NY Harbor and the surrounding estuary. I derive such tremendous pleasure in owning, maintaining, launching, operating, and touring in my vintage 1957 mahogany power boat that sometimes I must contain my zeal and enthusiasm. The right words are difficult to come by to accurately describe my enjoyment. But as I look around my local northern New Jersey and NY Harbor boating neighborhood, I am sadly confronted, yet again, with the realities of the lack of public boating resources which hinder the support and proliferation of recreational boating in this metropolitan area. Resources that recreational boaters desperately need (and lack) are useable public boat ramps for trailered boats, floating docks, and other public marina facilities in general needed to support this particular recreational community.

I yearn to travel in my 15 foot boat to visit an event at the NJPAC center some evening down in Newark. I dream about cruising with my boat on the local Passaic River waterway to enjoy a nice evening dining engagement somewhere along the river. I think about how nice it would be to take friends out on my boat on a warm summer evening on the nearby to river merely enjoy one of nature's gift to mankind, water. But alas with the difficulties in accessing the river for recreational enjoyment and the undeniable public boating infrastructure obstacles that not only I, but all power boaters face when contemplating a trip out onto a local waterway, much of my dreaming and musings merely remain just that. Fond thoughts tucked away for the future. State, local, and federal agencies MUST embrace a public policy which addresses these needs and provide solutions to remove these obstacles so that local recreational boaters may use and enjoy our local waterways. Without such public policy written and enacted into law the return of recreational boating, not only on the Passaic River, but in all of the NY Harbor region will only remain a dream for the future. I'll put on my life jacket now, if you don't mind, and respectfully excuse myself. I will close my eyes and take yet another virtual cruise out on to Newark Bay to enjoy another colorful evening sunset articulated by the wonderful sounds of sea gulls, an occasional tugboat whistle, the smell of salt water, encumbered with only a brief interruption when my inner conscience reminds me, "Harvey, it doesn't get any better than this."

Maribel Jusino-Iturralde

When I first encounter the beautiful view of the Passaic River was when I first graduated from high school in 1980 from Jersey City and took the PATH train for the first time to Newark to visit Rutgers; the only river I grew up with was the Hudson. At first, the train seemed to tip over slightly towards the river that it scared me. Ever since, I always looked at it and admired it from far away. I got used to the train “not falling” into it. The Passaic River became my favorite part entering Newark. I always imagined being in a boat enjoying the river. Other times I imagined living by the river with a wonderful view of it from my living room window.

When attending Rutgers, It wasn't until someone mentioned how the water was so dirty, I stopped thinking about it for a long time. The Passaic River became “something” you look at but never, ever touch; just like an object in a museum collection. Once I started working at the Newark Museum, the river became to me that “artifact” that I enjoyed looking at but never to “touch”. In 2006, The New Jersey Historical Society opened an exhibition about four rivers in NJ and the Passaic River became again that interesting river with so much history. I enjoyed every minute talking about it through programs but still with the thoughts of never to “touch” it. Now, my old feelings and imaginations came back with thoughts of its future of everyone enjoying it in every way possible. I loved the fact that we are doing something about it so that people don't just pass by but experience it as well by learning its history and creating new ones. One day, it will be fine to touch the river and we will be ok.

Ella F. Filippone Executive Director Passaic River Coalition

Every Sunday we would go down to the Passaic River to walk along a path made by local people. There were big rocks to climb over or sit on, and stories to tell, adventures to dream about, and think will I ever grow up and become a movie star. I was 5 years old, and loved talking to the river. Sometimes it sparkled; sometimes it cried, and one day when I was lots older I came back to the old friend of my childhood and saw what had become of this gentle valley, known as the Passaic.

The river contained all kinds of junk; a pipe was spewing a foul black fluid into the river. The odor was putrid. Who cares about you? I asked the river, but it could not answer. It had been poisoned, polluted, and even been considered one of the worst in the United States. A newspaper man called the Passaic River “our most maligned public servant.” Isn't that the truth? During war times, its factories served the Nation, and the river got dumped into. Its sediment became laced with the toxins of an industrial world. The river was abandoned.

Some day the gentle river of my dreams should be happily boating with the local folks. Grandpa should be catching the big fish to bring home for supper, and tourist boats come up and down the river with people waving to each other, having fun. The parks should be full of folks picnicking, playing ball, and relaxing in the sun enjoying the quiet rustle of the river flowing by.

If magic wands were real, I would find that rock along the shore in Lyndhurst and wave it over the Passaic River saying: "Save me, clean my poisoned soul, bring me the life I deserve, and do it NOW!"

Jeff Weiss
Resident, Nutley

The Passaic River. These three words establish, define and complete one of the most troubled phrases in New Jersey lexicon. When the words, "The Passaic River", are spoken in our area of northeast New Jersey, the meaning is immediately understood, the image is in tact, and the conclusion, unfortunately, is sad. In our microcosm, The Passaic River is an open wound waiting to be healed so that the communities that share its banks can move on with their lives not just in the physical sense, but also in a psychological way of healing and completion. The Passaic River- the dirty trench, the tainted ribbon that threads through so many backyards is looked upon with wary indifference because it has been so damaged, so dysfunctional, so abused for such a long time that the people who know it have never really seen it any other way. The Passaic River is like the wayward family member who cannot be cured of the demons that haunt. Like a relative lost we try to pull it back from the edge with emergency care, only to see it slip back into its dark, unforgiving self.

The Passaic River, as ill as it is, still has a pulse. It ebbs and flows. It runs quiet when times are peaceful, but swells and grows into a ravenous body of water that swallows its neighbors- reminds us all that it is still alive, still with us, and yes, still demanding respect. The Passaic River, with all of its problems, will always be something other than how it's perceived by the world beyond our local streets. To the communities that share it, it is a reference point, a physical and visual marker that tells us where we are, where we belong, and who we are. Those of us who have grown up on its banks recognize every bend in its course, every bridge, every highway exit off of its guiding flow. We use it as a way of knowing where we are in the physical sense more than we may realize- the reasons for this is that it is a physical entity, for all of its faults, that we cherish as one of our own. As a community we ask you to help us make it well again.

The Lower Passaic River's Broken Promise

Jennifer Samson, Ph.D.

The Passaic River should be the lifeblood of the communities that line its shores, increasing property values along the waterfront, offering recreation, fishing and boating opportunities, providing access to nature and serenity from the hectic pace of life in northern New Jersey. These benefits are enjoyed by communities in the headwaters and early tributaries of the Passaic River, but as the river twists and turns its way through rural forests into the more urban areas of New Jersey, legacy pollution and ongoing discharges begin to overwhelm the flow of clean, fresh water and when the mighty river finally reaches the last 17 miles before joining the Newark Bay, the shoreline and bottom habitats are all but decimated by contamination. These communities have limited access to the water and they are forbidden from harvesting the bounty of the river, as fish and shellfish are so saturated with mercury, PCBs and Dioxins. But the damage from historic and ongoing pollution goes beyond the immediate impacts on the Passaic River. Because of the areas historic role as a dumping ground for industry long gone, these communities were considered the perfect location to site new sources of pollution, as they were already inundated with toxic air, water and soil. These communities have been written off and allowed to deteriorate along with the environment.

Cleaning up the Passaic River is an important step for the rebirth of the communities and habitats along its shores. It is a signal that the legacy of pollution that has stifled progress and prosperity will no longer dominate the conversation, but instead become the driver of renewal and revitalization. Communities along the lower 17 miles have big plans to improve access, bring back recreational opportunities and re-connect with the River in a positive and mutually beneficial way. There is discussion about new commerce along the waterfront that can take advantage of newly restored navigational channels that in the past have been left to fill because the sediments were too toxic to remove. The scope and scale of the contamination of the Lower Passaic River has dominated the region for too long and it must be removed to restore these overburdened communities and habitats and allow them a chance to grow and prosper.

Ben Delisle

From March through November, 6 days a week, I spend the early hours of the morning rowing with my teammates from the Passaic River Rowing Association. While we are primarily focused on our training and preparation for competing in regattas, one cannot help to notice the natural environment we are immersed in – the sunrise, the herons taking flight, the fish jumping, the turtles basking. When we are not training, we take part in river cleanups, where we remove

floating debris that is unsightly and a hazard to recreation. We maintain our boathouse, making it available to the other members, general public, and hundreds of high school youth that call the Passaic their "home water." Many of these students continue rowing in college with athletic scholarships for rowing - the Passaic is the "ticket" for some in their pursuit of a higher education. Every year we also host the "Head of the Passaic Regatta." This past October, we had some 1,200 participants from over 30 clubs. It would be fair to say that I have a close relationship with the Passaic River.

In the future, I would envision that the recreation use of the river will continue to grow. We are working on plans to expand our boathouse and have secured significant grant dollars to do so. I would expect that any remediation and restoration plans would recognize the importance of the Passaic as a tremendous recreational resource in a dense urban area, and would promote and enhance its use as such. Such plans should include the safety of sediments, restoration of degraded and eroded shorelines, and the elimination of CSOs and floating debris.

Community Values in the Cleanup and Restoration of the Passaic River

Revised Draft 5/12/2010, page 1 of 2

The following values were developed by the Passaic River Community Advisory Group to represent the consensus ideals of the Passaic River community. These values are intended to guide federal agencies and other stakeholders in making sustainable decisions and taking responsible action regarding all aspects of the cleanup, restoration, and stewardship of the Passaic River.

Protection of Public Health

- Design all decisions and activities to protect the health and safety of residents, visitors, and workers

Environmental Protection and Restoration

- Make all decisions in light of a long-term goal to eventually return the river to a fishable, swimmable condition
- Restore the Passaic to a living river and a viable natural resource, with coordinated short and long-term efforts to conduct wetlands, habitat, and wildlife restoration
- Place a high priority on locating natural resource restoration activities in the local communities that have been directly affected by the long-term pollution of the river
- Protect against cross contamination to air, groundwater, and other environmental media
- Clean sediments to a level that supports the above conditions and limits the potential for recontamination

Economic Benefits

- Plan and manage activities in order to protect ongoing commercial uses of the river
- Create living wage jobs for local residents to the maximum extent possible
- Engage local businesses in cleanup, restoration, and long-term stewardship activities to the maximum extent possible
- Incentivize and support environmentally sustainable development of waterfront properties
- Recognize the long-term economic value of creating recreational, park, and open space along the river as part of the cleanup and restoration process
- Strike an appropriate balance between sustainable business and river restoration
- Design all new development and redevelopment with the river in mind, creating connections to the river, presenting a useful and attractive front to the river, and taking into account river views and uses.

Community Values in the Cleanup and Restoration of the Passaic River

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Community Benefits

- Enhance area aesthetics through river beautification and litter removal
- Protect local culture and heritage
- Preserve and memorialize the decisions and information regarding the CAG in order to take into account, reflect, and help to communicate the history of the community and the river
- Enhance and maintain the positive perception of the local community
- Provide positive physical and societal connections between people and the river
- Engage in ecological education for local residents, and particularly for youth
- Recognize the importance of environmental justice in all decisions and activities

Recreational Opportunities

- Develop greenways, parkland, recreational opportunities, open space, and natural areas along and connected to the river
- Create convenient, attractive, sustainable, and safe public access for both passive and active recreation along and on the river, including non-motorized boating

Cleanup Process Effectiveness

- Ensure positive stewardship of the cleanup process by supporting community information, interest, and involvement, and listening to their concerns
- Ensure transparency and effective communication of all cleanup information and openness in information exchange
- Work in partnership with all stakeholders, including the community, to address issues and solve problems
- Expedite and prioritize cleanup decisions and action to realize near-term results for river restoration, access, and use
- Consider the full range of alternatives for cleanup and restoration, maintaining a strong overall focus on the long-term goals for river restoration